

SB 6587-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that in order to comply with the community mental health services act, chapter 71.24 RCW, and the medicaid managed care mental health waiver, and to effectively assist persons with mental illness and consumers of mental health services in the assertion of their civil and human rights, and to improve the quality of services available and promote the rehabilitation, recovery, and reintegration of these persons, an independent mental health ombudsman program should be instituted.

Creates the office of the state mental health ombudsman.

Provides that mental health ombudsmen shall act in accordance with the policies and procedures established by the office, and shall have the following authority and duties: (1) Offer and provide services to assist mental health consumers and their representatives in order to assist in protecting the health, safety, welfare, and rights of mental health consumers;

(2) Offer and provide information as appropriate to mental health consumers, family members of mental health consumers, guardians and other representatives, employees of mental health providers and facilities, and others regarding the rights of mental health consumers. Mental health ombudsmen shall have an outreach plan for reaching mental health consumers, which shall include regular visits to local mental health agencies, facilities, clubhouses, and other appropriate locations;

(3) Identify, investigate, and resolve complaints made by or on behalf of mental health consumers that relate to action, inaction, or decisions which: (a) May adversely affect the rehabilitation, recovery, reintegration, health, safety, welfare, or rights of mental health consumers; and (b) involve a mental health provider or facility; a regulatory, governmental, health, or social service agency; a guardian or other representative; a family member; or another mental health consumer, friend, or associate;

(4) Support and encourage mental health consumer participation in treatment planning, delivery, and complaint resolution, both on an individual basis and systemwide, and recruit and support the participation of family members, close friends, guardians, and other representatives in the consumer's treatment and complaint resolution, unless the mental health consumer expressly objects to such participation;

(5) Represent the interests of mental health consumers before governmental agencies, and seek administrative, legal,

and other remedies to protect the health, safety, welfare, and rights of mental health consumers; and

(6) Perform other duties assigned by the office or its subcontractors, consistent with the purposes of this act.

Requires the office to provide the legislature with an annual report that includes: (1) An identification of the demographic status of those served by the mental health ombudsman program;

(2) A description of the issues addressed during the past year and a brief description of case scenarios in a form that does not compromise confidentiality;

(3) An accounting of the monitoring activities by the mental health ombudsman program;

(4) An identification of the results of measurements of consumer satisfaction and other outcome measures;

(5) An identification of the numbers of certified volunteer mental health ombudsmen;

(6) An identification of deficiencies in the mental health service system and recommendations for remedial action in policy or practice;

(7) Recommendations for regulatory action by agencies that would improve the quality of service to individuals with mental illness; and

(8) Recommendations for legislative action that would result in improved services to individuals with mental illness.

Provides that it is unlawful to willfully interfere with a mental health ombudsman in the performance of his or her duties under this act.

Provides that no discriminatory, disciplinary, or retaliatory action may be taken against an employee of a mental health provider or facility, an employee of a jail or correctional facility, an employee of a public, health, or social service agency, or a mental health consumer or family member, for any communication made, or information given or disclosed, to aid a mental health ombudsman in carrying out his or her duties under this act. This prohibition does not apply to communications or false information provided maliciously or without good faith. This provision is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for permissible reasons.

Declares an intent that the state mental health ombudsman program make reasonable efforts to maintain and improve the current level and quality of mental health ombudsman services, taking into account the transition period from the current system of ombudsman programs within the regional support networks and state hospitals.

Declares an intent that federal medicaid requirements be complied with, and that the department of social and health

services no longer provide mental health ombudsman services through the regional support networks effective July 1, 2007.
Repeals RCW 71.24.350.